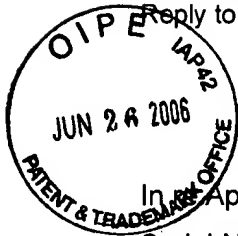


Appln. No. 09/845,539
Filed with Amendment and Response dated
Reply to Office Action of December 23, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of : David P. Vallente, et al.
Serial No. : 09/845,539
Filed: : April 30, 2001
For: : Method and System for Assessing and Quantifying the
Business Value of Information Technology (IT) Application
or Set of Applications
TC/AU : 3639
Examiner : Fadey S. Jabr
Attorney Docket No. : ITC 2-001

HONORABLE COMMISSIONER FOR PATENTS
MAIL STOP AMENDMENT
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.183

Sir:

A declaration and power of attorney signed by all the inventors, David P. Vellante, Edward Gershenson, and David A. Floyer, was submitted with this application upon filing. Also submitted was an assignment of all the inventors' interests to ITCentrix, Inc., now Barometrix Software Corporation. That assignment is recorded at reel and frame 016670/0697. Copies of the declaration and assignment are attached hereto.

In an Office action dated December 23, 2005, the Examiner noted that the declaration included a deficiency, namely, that of having failed to provide the particulars of the provisional application to which the above-identified application claims priority. David P. Vellante and David A. Flowers have signed a supplemental declaration correcting this deficiency. A copy of the supplemental declaration is attached hereto.

Pursuant to 37 C.F.R. 1.183 and MPEP § 603, applicants David P. Vellante and David A. Floyer and the assignee, request that the Commissioner waive the requirement for inventor Edward Gershenson to sign the supplemental declaration as he was presented with the supplemental declaration and has refused to sign it.

A check is enclosed for the \$400.00 fee required by 37 C.F.R. 1.17(f) for filing a petition to suspend the rules.

06/28/2006 MBIZUNES 00000061 09845539

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400.00 OP

Appln. No. 09/845,539
Filed with Amendment and Response dated
Reply to Office Action of December 23, 2005



Date: June 21, 2006

Respectfully submitted,

Diane E. Burke

Diane E. Burke
Reg. No. 45,725
MUELLER AND SMITH, L.P.A.
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, Ohio 43235-1355
Tel.: 614-436-0600
Fax: 614-436-0057
email: dburke@muellersmith.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on
June 21, 2006 with the United States Postal Service as first class mail in an
envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Jane Keeney
Jane Keeney



DECLARATION AND POWER OF ATTORNEY
PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole (if only one name is listed below) or an original, first and joint (if plural names are listed below) inventor of the subject matter which is claimed and for which a patent application is sought on the invention entitled:

**Method and System for Assessing and Quantifying the Business Value
of an Information Technology (IT) Application or Set of Applications**

the specification of which

[X] is attached hereto.

[] was filed on _____, as application Serial No. _____, and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

App'n Serial No.

Filing Date

Status
(patented, pending, abandoned)

App'n Serial No.

Filing Date

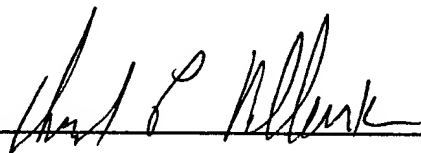
Status
(patented, pending, abandoned)

I hereby appoint Jerry K. Mueller, Jr., Reg. No. 22,576, Gerald L. Smith, Reg. No. 22,009, and Diane E. Burke, Reg. No. 45,725 jointly and each of them severally, my attorneys and attorney, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected

therewith. I hereby direct that all correspondence be addressed to: Mueller and Smith, LPA, 7700 Rivers Edge Drive, Columbus, Ohio 43235, and all telephone calls be directed to Gerald L. Smith, at telephone number (614) 436-0600.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: David P. Vellante

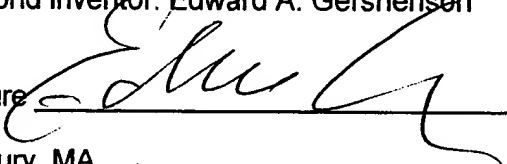
Inventor's signature  Date 4/19/01

Residence: Still River, MA

Citizenship: USA

Post Office Address: 259 Still River Road, Still River, MA 01467

Full name of second inventor: Edward A. Gershenson

Inventor's signature  Date 4.18.01

Residence: Sudbury, MA

Citizenship: USA

Post Office Address: 10 Mark Lane, Sudbury, MA 01776

Full name of third inventor: David A. Floyer

Inventor's signature  Date 4/19/2001

Residence: Mountain View, CA

Citizenship: United Kingdom

Post Office Address: 171 Continental Circle, Mountain View, CA 94040

ASSIGNMENT

WHEREAS, we, David P. Vellante, of Still River, MA, Edward A. Gershenson, of Sudbury, MA, and David A. Floyer, of Mountain View, CA, have invented certain new and useful improvements in Method and Apparatus for

Method and System for Assessing and Quantifying the Business Value of an Information Technology (IT) Application or Set of Applications

for which we are about to make application for Letters Patent of the United States; and


WHEREAS, ITcentrix, Inc., a corporation of the State of Delaware, having an office at 1661 Worcester Road, Suite 403, Framingham, MA, herein called "Assignee", is desirous of acquiring our entire right, title, and interest in said invention and application therefor, and in any patent or patents to be obtained therefor;

NOW, THEREFORE, To All Whom It May Concern, be it known that, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign, and transfer unto said Assignee, our entire right, title and interest in and to the invention shown, described, or claimed therein, and the full and exclusive right and title to said application executed by us respectively on the 19 day of April, 2001, the 19 day of April, 2001, and the 19 day of April, 2001, preparatory to obtaining Letters Patent of the United States therefor; and in and to any extensions, reissues, divisions, or renewals thereof; and we do hereby authorize and request the Commissioner of Patents and Trademarks or other proper Officer to issue such Letters Patent to the Assignee of our entire right, title and interest in and to the same for the sole use and behoove of the said Assignee, and its successors or assigns.

And we further covenant and agree that we will, at the request and expense of the said Assignee, execute such further assurance of title as may be necessary or proper to fully convey the interest herein sought to be conveyed; that we will, at the request and expense of the said Assignee, execute such application papers as may be desired by the said Assignee for the filing of any division or renewal of the application herein conveyed, or for the reissues or extension of any Letters Patent that may be granted upon said application, and will execute such Supplemental Oaths and Preliminary Statements, or other papers as desired by the said Assignee.

And we further assign unto the said Assignee our whole right, title, and interest to the invention disclosed in the application throughout all countries foreign to the United States, and do hereby authorize the said Assignee to apply for patents therefor in its own name in countries where such procedure is proper and to claim the benefit of the International Convention and I do agree to execute applications for the said invention in the several countries where it is necessary that the same be executed by the inventor, and to execute assignments of such applications and the patents to be obtained therefor to the said Assignee, as well as all other necessary papers.

19 IN TESTIMONY WHEREOF, we have hereunto set our hands at Hotel Worcester Rd, this
day of April, 2001. Framingham MA 01563


David P. Vellante

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF Middlesex) SS.

Personally appeared before me this day the above-named David P. Vellante, to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 19th day of April, 2001.

Michelle Vasquez
Notary Public my commission Expires Nov 15 2002

Edward A. Gershenson
Edward A. Gershenson

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF Norfolk) SS.

Personally appeared before me this day the above-named Edward A. Gershenson, to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 19th day of April, 2001.

Michelle Vasquez
Notary Public my commission Expires Nov 15 2002

David A. Floyer
David A. Floyer

STATE OF Massachusetts)
COUNTY OF Norfolk) SS.

Personally appeared before me this day the above-named David A. Floyer, to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 19th day of April, 2001.

Michelle Vasquez
Notary Public my commission Expires Nov 15 2002



DECLARATION AND POWER OF ATTORNEY
PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole (if only one name is listed below) or an original, first and joint (if plural names are listed below) inventor of the subject matter which is claimed and for which a patent application is sought on the invention entitled:

**Method and System for Assessing and Quantifying the Business Value
of an Information Technology (IT) Application or Set of Applications**

the specification of which

☐ is attached hereto.

☒ was filed on April 30, 2001, as application Serial No. 09/845,539, and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

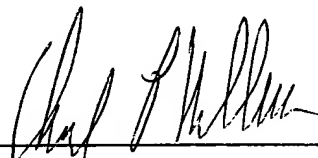
<u>60/250,742</u>	<u>December 01, 2001</u>	<u>pending</u>
App'n Serial No.	Filing Date	Status
	(patented,	pending,
abandoned)		
<u> </u>	<u> </u>	<u> </u>
App'n Serial No.	Filing Date	Status
	(patented,	pending,
abandoned)		

I hereby appoint Jerry K. Mueller, Jr., Reg. No. 22,576, Gerald L. Smith, Reg. No. 22,009, and Diane E. Burke, Reg. No. 45,725 jointly and each of them severally, my

attorneys and attorney, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith. I hereby direct that all correspondence be addressed to: Mueller and Smith, LPA, 7700 Rivers Edge Drive, Columbus, Ohio 43235, and all telephone calls be directed to Gerald L. Smith, at telephone number (614) 436-0600.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: David P. Vellante

Inventor's signature  Date 5/3/06

Residence: Still River, MA

Citizenship: USA

Post Office Address: 259 Still River Road, Still River, MA 01467

Full name of second inventor: Edward A. Gershenson

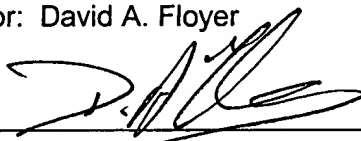
Inventor's signature _____ Date _____

Residence: Sudbury, MA

Citizenship: USA

Post Office Address: 10 Mark Lane, Sudbury, MA 01776

Full name of third inventor: David A. Floyer

Inventor's signature  Date 5/19/06

Residence: Mountain View, CA

Citizenship: United Kingdom

Post Office Address: 171 Continental Circle, Mountain View, CA 94040